GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:605
ANSWERED ON:02.12.2015
Shipping-out Non-Performing Officers
Ahlawat Smt. Santosh;Hari Shri G.;Kothapalli Smt. Geetha;Patil Shri Chandrakant Raghunath;Saraswati Shri Sumedhanand

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government has planned to ship-out Non-Performing Officers by forcing them into compulsory retirement from their services;

(b) if so, the details thereof;

(c) whether under fundamental rule (56J) the Government has the absolute right to send non-performing babus on voluntary retirement, if necessary in the public interest and if so, the details thereof; and

(d) the time by which it is likely to be implemented?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)
(a) to (d): Fundamental Rules have been in existence from the year 1922.

Fundamental Rule (FR) 56 (j) reads as follows:

"The Appropriate Authority shall, if it is in the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice:

(i) If he is in Group 'A' or Group 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years.
(ii) in any other case after he has attained the age of fifty-five years".

The provisions of FR 56 (j) have been reiterated from time to time and recently vide DoPT's O.M. No. 25013/02/2005-AIS-II dated 28.06.2012 and O.M. No. 25013/1/2013-Estt.A-IV dated 11.09.2015. These instructions inter-alia provide that while reviewing, the Appropriate Authority will take a view on further retention of the Government servant based on public interest, his effectiveness and integrity.
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